Senate File 400 - Introduced

SENATE FILE 400 BY SCHNEIDER

A BILL FOR

- 1 An Act relating to disclosures of certain information,
- 2 including reprisals with respect to employees of a political
- 3 subdivision of the state and providing information to
- 4 employees concerning the office of ombudsman.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. 400

- 1 Section 1. Section 70A.29, subsection 1, Code 2019, is 2 amended to read as follows:
- A person shall not discharge an employee from or take
- 4 or fail to take action regarding an employee's appointment or
- 5 proposed appointment to, promotion or proposed promotion to,
- 6 or any advantage in, a position in employment by a political
- 7 subdivision of this state as a reprisal for a disclosure of any
- 8 information by that employee to a member or employee of the
- 9 general assembly, or an official of that political subdivision,
- 10 a person providing human resource management for that political
- ll subdivision, or a state official, or for a disclosure of
- 12 information to any other public official or law enforcement
- 13 agency if the employee reasonably believes the information
- 14 evidences a violation of law or rule, mismanagement, a gross
- 15 abuse of funds, an abuse of authority, or a substantial and
- 16 specific danger to public health or safety. This section does
- 17 not apply if the disclosure of the information is prohibited
- 18 by statute.
- 19 Sec. 2. Section 70A.29, subsection 3, Code 2019, is amended
- 20 to read as follows:
- 21 3. Subsection 1 may be enforced through a civil action.
- 22 a. A person who violates subsection 1 is liable to
- 23 an aggrieved employee for affirmative relief including
- 24 reinstatement, with or without back pay, or civil damages in an
- 25 amount not to exceed three times the annual wages and benefits
- 26 received by the aggrieved employee prior to the violation of
- 27 subsection 1, and any other equitable relief the court deems
- 28 appropriate, including attorney fees and costs.
- 29 b. When a person commits, is committing, or proposes to
- 30 commit an act in violation of subsection 1, an injunction may
- 31 be granted through an action in district court to prohibit the
- 32 person from continuing such acts. The action for injunctive
- 33 relief may be brought by an aggrieved employee, or the county
- 34 attorney, or the person providing human resource management for
- 35 the political subdivision.

- 1 Sec. 3. Section 70A.29, Code 2019, is amended by adding the 2 following new subsection:
- 3 NEW SUBSECTION. 4. Each political subdivision of this
- 4 state subject to the requirements of this section shall provide
- 5 procedures for notifying new employees of the authority of the
- 6 office of ombudsman to investigate complaints under chapter
- 7 2C and shall periodically conduct promotional campaigns to
- 8 provide similar information to all employees of the political
- 9 subdivision. The information shall include the toll-free
- 10 telephone number of the ombudsman.
- 11 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 14 This bill relates to disclosures of certain information
- 15 by an employee of a political subdivision of the state and
- 16 provides for notification to employees regarding the ability of
- 17 the office of ombudsman to investigate complaints.
- 18 Code section 70A.29, prohibiting adverse employment action
- 19 for certain disclosures of information by an employee of a
- 20 political subdivision of the state, is amended. The bill
- 21 provides that an aggrieved employee may recover civil damages
- 22 in an amount up to three times the employee's annual wages and
- 23 benefits at the time of the violation of the Code section.
- 24 The bill specifically authorizes disclosure of information by
- 25 an employee to a person providing human resource management
- 26 for the political subdivision of the state that employed the
- 27 employee and allows that person to seek injunctive relief for a
- 28 violation of the Code section.
- 29 The bill also requires each political subdivision of the
- 30 state subject to Code section 70A.29 to provide information
- 31 to employees of the authority of the office of ombudsman to
- 32 investigate complaints under Code chapter 2C, including the
- 33 toll-free telephone number of the ombudsman.